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Date: December 1, 1988

Our File: Yale 204-RSB

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

In re Application of: Tai-Shun Lin and William H. Prusoff

Serial No. : 06/942,666

Filed : December 17, 1986

Kindly charge the estimated fee of \$ 130.00

for Brief on Appeal
in connection with the above application or the correct fee
if the estimated fee is incorrect, to the account of the
undersigned, Deposit Account No. 19-3869.

Respectfully submitted,

SPRUNG HORN KRAMER & WOODS

By

Richard S. Barth
Reg. No. 28,180

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Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Tai-Shun Lin and William H. Prusoff
Serial No. : 06/942,666
Filed : December 17, 1986
For : USE OF 3'-DEOXYTHYMIDIN-2'-ENE
(3'-DEOXY-2',3'-DIDEHYDROTHYMIDINE) IN
TREATING PATIENTS INFECTED WITH
RETROVIRUSES
Art Unit : 183
Examiner : J. Tou

November 29, 1988

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

BRIEF ON APPEAL

This is a Brief on Appeal from the decision of the Examiner dated July 15, 1988 (Paper No. 15) finally rejecting claims 1 to 7 and 11, all of the claims in the case. Appellants submit herewith two extra copies of this brief together with an authorization to charge appellants' attorney's Deposit Account in respect of the required Brief Fee.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, appellants request that this be considered a petition therefore. Please charge the required Petition fee to Deposit Account No. 19-3869.

ADDITIONAL FEE

Please charge any insufficiency of fee, or credit any excess to Deposit Account No. 19-3869.

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STATUS OF THE CLAIMS

The status of the claims as presented in this application is as follows:

<u>Claim No.</u>	<u>Status</u>
1	Rejected
2	Rejected
3	Rejected
4	Rejected
5	Rejected
6	Rejected
7	Rejected
8	Cancelled
9	Cancelled
10	Cancelled
11	Rejected

Rejected claims 1 to 7 and 11 are being appealed.

STATUS OF AMENDMENT FILED SUBSEQUENT TO FINAL REJECTION

A Response Under Rule 116, dated October 5, 1988 was filed. In an Advisory Action (undated), the rejection of claims 1 to 7 and 11 was maintained.

SUMMARY OF THE INVENTION

The present invention involves a method for treating warm blooded animals infected with a retrovirus, the method comprises administering to the warm blooded animal an anti-retroviral amount of 3'-deoxythymidin-2'-ene, either alone or in admixture with a diluent or in the form of a medicament (see page 4, last eight lines of the specification and Claim 1).